

**FINDING OF NO SIGNIFICANT IMPACT
FOR
DRAINAGE IMPROVEMENTS PROJECT
CITY OF CUERO, TEXAS
FEMA-1257-DR-TX**

BACKGROUND

The City of Cuero has applied to the Federal Emergency Management Agency (FEMA) for assistance with a drainage improvements project. FEMA is proposing to provide assistance for this project through the Hazard Mitigation Grant Program (HMGP) under Presidential Disaster Declaration FEMA-1257-DR-TX.

In accordance with 44 Code of Federal Regulations (CFR) for FEMA, Subpart B, Agency Implementing Procedures, Part 10.9, an Environmental Assessment (EA) was prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969, as implemented by the regulations promulgated by the President's Council on Environmental Quality (40 CFR Parts 1500-1508). The purpose of the EA was to analyze the potential environmental impacts of the proposed drainage improvements project, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). In the EA process, FEMA considered three alternatives: (1) No Action Alternative; (2) Eight Internal Drainage Improvements (Proposed Action); and (3) Construction of 16 Detention Ponds and Internal Drainage Improvements. Under Alternative 2, eight related drainages within the city limits of Cuero would be improved. Six of the drainages are located on the northwest side of town, in the Gohlke Creek Basin (Projects A, C, D, E, F, and G). One drainage is located on the southeast side of town, in the Valley Street Basin (Project B). The last project would involve improvements to Gohlke Creek (Project H). Project H is downstream of and receives flood waters from the other seven improvement projects. It is the furthest drainage improvement from the town and discharges flood waters into the Guadalupe River. Combined, the eight improvements are designed to accommodate a Citywide 25-year flood event.

Alternative 3, the construction of 16 detention ponds and minor internal drainage improvements, was designed to approximate the level of protection that would be afforded by the Proposed Action. Its construction would allow the same portions of Cuero to accommodate flooding from the 25-year storm, without upgrading the under-capacity and aging drainage systems that already exist. Pond sizes were determined from the same stormwater runoff calculations used to design the upgraded storm sewers for the Proposed Action.

In response to the high risk to human health and safety associated with the occurrence of flooding that threatens the three project areas, Alternative 2, the Proposed Action, has been selected based on the needs of the City of Cuero.

FINDINGS

Based upon the conditions and information contained in the EA for the drainage improvements project (November 2004) and in accordance with FEMA's regulations in 44 CFR Part 10 (Environmental Considerations) and Executive Orders 11988 (Floodplain Management), 11990 (Protection of Wetlands), and 12898 (Environmental Justice), FEMA has made the following determinations:

The proposed project, as described in the EA, will not result in any significant adverse impacts to existing land use, water resources (surface water, groundwater, wetlands, waters of the United States, and floodplains), air quality, noise, biological resources (vegetation, fish and wildlife, state and federally listed threatened or endangered species and critical habitats), safety issues,

hazardous materials and waste, and cultural resources, or result in disproportionately high or adverse effects on minority or low-income populations. The Proposed Action is also in compliance with all relevant Federal, state, and local laws.

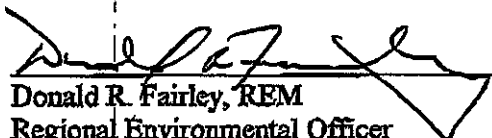
CONDITIONS

The following conditions and all other conditions identified in the EA must be met as part of this project. Failure to comply with these conditions may jeopardize Federal funds:

1. For Projects A and B, the applicant will install energy dissipaters to minimize potential damage to receiving channels.
2. For Project H, the applicant will not disturb Gohlke Creek below the normal high-water mark, and limited amounts of vegetation shall be selectively removed.
3. Projects B and F will require a Nationwide Permit 3 from the U.S. Army Corps of Engineers (USACE).
4. Project G will require a Nationwide Permit 13 or 31 from the USACE.
5. The applicant will comply with the USACE Nationwide Permit General Conditions (Appendix E) and the Texas Commission on Environmental Quality (TCEQ) Best Management Practice (BMP) guidelines for Nationwide Permits.
6. All construction activity must be in compliance with TCEQ General Permit Number TXR150000 relating to discharges from construction.
7. If it is determined in further analysis of this project, or if changes occur in the project that may result in loss of basking or nesting habitat of the Cagle's map turtle, further coordination with USFWS will be initiated to avoid or minimize impacts to this species.
8. Any hazardous materials discovered, generated, or used during implementation of the proposed project shall be disposed of and handled by the applicant in accordance with applicable local, state, and Federal regulations.
9. Prior to construction of Project A, Cuero will obtain a lease with the railroad for the use of its ROW.
10. Prior to construction, Cuero will obtain easements from private landowners for work on private property.
11. Emergency service personnel shall be notified of the road work schedule and provided with alternate routes prior to construction.
12. The applicant will consult with the Texas Department of Transportation (TxDOT) on the effects of improved hydraulic capacity on drainage structures downstream.
13. Appropriate signage and fencing will be posted to alert pedestrians and motorists of project activities, as well as any changes in traffic patterns. Traffic signs will comply with the Texas Uniform Manual Traffic Control measures.
14. Should any potentially historic or archeologically significant materials be discovered during project construction or staging of equipment, all activities on the site will be halted immediately and the City will consult with FEMA, the Governors Division of Emergency Management (GDEM), and the Texas Historical Commission (THC) or other appropriate agency for further guidance.
15. The project applicant will obtain all applicable permits before construction.

CONCLUSIONS

Based on the findings of the attached EA, coordination with the appropriate agencies, and adherence to the project conditions set forth in the EA and this FONSI, FEMA has determined that the proposed project qualifies as a major Federal action that will not significantly affect the quality of the natural and human environment. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.8) and the proposed project as described in the attached EA may proceed.

APPROVAL
Donald R. Fairley, REM
Regional Environmental Officer
FEMA, Region VI

Date: 2 Nov 2004


Ron Castleman
Regional Director
FEMA, Region VI

Date: 11-2-04